

## United States Patent and Trademark Office

UNITED STATES DEPARTMENT OF COMMERCE United States Patent and Trademark Office Address: COMMISSIONER OF PATENTS AND TRADEMARKS Washington, D.C. 20231 www.uspto.gov

APPLICATION NO.	FILI	NG DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/768,769	01/23/2001		Denise Faustman	00786/372003 3760	
21559	7590	10/01/2002			
CLARK &			EXAMINER :		
101 FEDERAL STREET BOSTON, MA 02110				PARK, HANKYEL	
				ART UNIT	PAPER NUMBER
			1648		
		,		DATE MAILED: 10/01/2002	7

Please find below and/or attached an Office communication concerning this application or proceeding.

,	Application No. Applicant(s)						
	09/768,769	FAUSTMAN, DENISE					
Office Action Summary	Examiner	Art Unit					
	Hankyel T. Park	1648					
The MAILING DATE of this communication appears on the cover sheet with the correspondence address Period for Reply							
A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.  - Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.  - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).  - Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).							
Status  1) Responsive to communication(s) filed on 33 /	onuon, 2004						
1) Responsive to communication(s) filed on 23 J		•					
, <u> </u>	s action is non-final.						
3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under <i>Ex parte Quayle</i> , 1935 C.D. 11, 453 O.G. 213.  Disposition of Claims							
4)⊠ Claim(s) <u>1-19</u> is/are pending in the application.							
4a) Of the above claim(s) is/are withdraw							
5)⊠ Claim(s) <u>4-19</u> is/are allowed.							
6)⊠ Claim(s) <u>1-3</u> is/are rejected.							
7) Claim(s) is/are objected to.							
8) Claim(s) are subject to restriction and/or election requirement.							
Application Papers	·						
9)☐ The specification is objected to by the Examiner		•					
10)☐ The drawing(s) filed on is/are: a)☐ accepted or b)☐ objected to by the Examiner.							
Applicant may not request that any objection to the	drawing(s) be held in abeyance. Se	ee 37 CFR 1.85(a).					
11)☐ The proposed drawing correction filed on is: a)☐ approved b)☐ disapproved by the Examiner.							
If approved, corrected drawings are required in reply to this Office action.							
12) The oath or declaration is objected to by the Exa	aminer.						
Priority under 35 U.S.C. §§ 119 and 120							
13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).							
a) ☐ All b) ☐ Some * c) ☐ None of:							
1. Certified copies of the priority documents	have been received.						
2. Certified copies of the priority documents	have been received in Application	on No					
<ul> <li>3. Copies of the certified copies of the priori</li> <li>application from the International Bur</li> <li>See the attached detailed Office action for a list of</li> </ul>	reau (PCT Rule 17.2(a)).	•					
14)⊠ Acknowledgment is made of a claim for domestic	priority under 35 U.S.C. § 119(e	e) (to a provisional application).					
a) ☐ The translation of the foreign language prov 15)☑ Acknowledgment is made of a claim for domestic	• •						
Attachment(s)							
1) Notice of References Cited (PTO-892) 2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4.	5) Notice of Informal F	(PTO-413) Paper No(s) Patent Application (PTO-152)					
S. Patent and Trademark Office							

Application/Control Number: 09/768,769 Page 2

Art Unit: 1648

## **DETAILED ACTION**

1. Claims 1-19 are pending and examined.

## Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

- 3. Claims 1-3 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. It is not clear what peptide is being exposed in the method step.
- 4. Claims 4-19 are allowable.
- 5. Claims 1-3 are not allowed.
- 6. Papers relating to this application may be submitted to Group 1600 by facsimile transmission. Papers should be faxed to Group 1600 located in Crystal Mall 1. The Fax number for Art Unit 1648 is (703) 308-4426. All Group 1600 Fax machines will be available to receive transmissions 24 hrs/day, 7 days/wk. Please note that the faxing of such papers must conform with the Notice published in the Official Gazette, 1096 OG 30, (November 15, 1989).

Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Hankyel T. Park, Ph.D., whose telephone number is (703) 305-7255. The Examiner can normally be reached on Monday, Tuesday, Thursday and Friday from 6:30 AM-4:00 PM, (EST). The Examiner can also be reached on alternate Wednesdays.

Art Unit: 1648

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's Supervisor, James C. Housel, can be reached at (703) 308-4027.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-0196.

Hankyel T. Park, Ph.D.

September 28, 2002

HÁNKYEL T. PARK, PH.D PRIMARY EXAMINER